

**SPENCER CITY COUNCIL MEETING  
COUNCIL CHAMBERS, CITY HALL  
January 5, 2015  
Regular Council Meeting  
6:30 o'clock P.M.**

**1. Consent Agenda:**

- A. Minutes of December 15, 2014;
- B. Licenses: Class C Liquor License with Sunday Sales for Sports Page Bar & Grill, subject to final approval by the Iowa Alcoholic Beverages Division;
- C. Roll Call: Resolution Setting a Public Hearing and Directing the Publication of Notice of the Voluntary Annexation of a Parcel of Real Property Described as Parcel "J" in the SW ¼ of Section 24-96-37, Clay County, Iowa (Green & Yellow, LLC, Hearing Date February 2, 2015);
- D. Approve Residential Tax Abatement Requests from Sarah Freeman and Jordon Whipple and Michael & Janis Lindstrom;
- E. Roll Call: Resolution Proposing the Grant of a Permanent Easement Agreement to D & T Office, LLC, Scheduling a Public Hearing for January 19, 2015 at 6:30 P.M., and Directing the Publication of Notice;

**2. Public Hearing**

**Public Hearing on Proposed Text Amendment to the Spencer Zoning Code, Title 9, Chapter 5, Section 2, Paragraph A to Include the Use of "Automotive Sales" as a Special Exception Use in the "CBD" Central Business District ;**

- A. Roll Call: An Ordinance Amending Title 9, Chapter 5, Section 2 Paragraph A Concerning Automotive Sales as a Special Exception Use in the "CBD" Central Business District, 1<sup>st</sup> Filing**

Enclosed in your packet information is an amendment to the ordinance that pertains to the zoning in the "CBD" Central Business District. The amendment, for the most part, adds "Automobile Sales" as a permitted use by special exception. An existing car dealership in the "CBD" District is contemplating reconstruction and expanding their operation in their current location. P&Z met on this item and has recommended approval. **I would recommend approval.**

**3. New Business:**

- A. Roll Call: Resolution to Accept Sanitary & Storm Sewer Extensions in Fairway Woods First Addition and to Authorize Payment of the City of Spencer's Share of Storm Sewer Costs, Pursuant to the Residential Subdivision Development Agreement;**

Enclosed in your packet information is a resolution accepting the Sanitary & Storm Sewer Extension in the Fairway Woods First Addition as well as authorize payment of the City of Spencer's share of costs for said project (\$44,663.04) as per the development agreement. The Engineer (KCN) for the project has recommended approval. **I would recommend approval.**

**B. Motion: Approve Change Order #2 to 2014 Fairway Woods First Addition PCC Paving Project;**

Enclosed in your packet information is Change Order #2 to the 2014 Fairway Woods First Addition PCC Paving Project. As you may recall at the last Council Meeting, staff had requested withholding a portion of pay estimate #4 to allow for an opportunity to evaluate potential liquidated damages due to the timeliness of the completion of the project (\$10,920).

Since that time, the City has had an opportunity to meet with the Contractor as well as the Developer to find an acceptable solution. The change order before you calls for \$5,920.00 to be released from the liquidated damages contingency and continue to hold back the remaining \$5,000.00. The Contractor would then have an opportunity to recoup all or a portion of the withheld amount provided the project is completed by no later than June 1, 2015. The Change Order sets out that for every day the project is completed before the June 1, 2015, the Contractor can receive an incentive of \$280.00 up to a maximum of \$5,000. In the event the Project is not completed by June 1, 2015, the Contractor will be charged \$280.00 in liquidated damages. **I would recommend approval.**

**C. Motion: Action on Purchase of Cemetery Software from Ramaker & Associates for \$28,825 from Cemetery Reserve;**

Staff is requesting authorization to purchase a new Cemetery Software package to replace our current system. The new system, when fully implemented, will allow staff to utilize the same information at the same time, no matter what location they are viewing it from. Also, in the future, it will allow the general public access to our database and mapping for family history and grave locations. The process of creating deeds will be simplified and overall the process of cemetery record keeping can be more efficient than current methods allow. **I would recommend approval.**

**D. Roll Call: Resolution to Approve Assignments of Development Agreements by TJN Enterprises, Inc. to Spencer NF, Inc.;**

Enclosed in your packet information is a Resolution officially changing the name from TJN Enterprises, Inc. to Spencer NF, Inc. for a previously approved Economic Development agreement they entered into with the Iowa Economic Development Authority and the City of Spencer. This step is needed to reflect the name change. **I would recommend approval.**

**4. Department Reports**

- A. Public Works
- B. City Attorney
- C. Parks & Recreation
- D. Planning Department
- E. Library
- F. Fire
- G. Golf
- H. Police

**6. Engineer's Report**

**7. City Manager's Report:**

**8. Mayor's Report:**

**9. Council/Comm. Reports: Upcoming Budget Committee Meetings**

-Public Works Committee, January 6, 2015, 6:00 P.M.

-Public Safety & Progress & Development, January 12, 2015, 6:00 P.M.

-Finance & Personnel, January 20, 2015, 6:00 P.M.

**10. City Clerk's Report**

- Bills and Claims

- Funds Transfers

**11. Other Business/Opportunity to Address the Council**

**12. Adjourn**